

193F—3.5(543D) Work product review.

3.5(1) As a condition of original or upgrade certification, all applicants shall submit to the board four copies each of three appraisals dated within six months prior to submission. When submitting appraisals for work product review, the applicant shall include the application form provided by the board. The fee for processing review of the appraisals is provided in 193F—Chapter 12.

3.5(2) An applicant shall submit to the board a log for the past six months. The board will then select three appraisals at random for work product review and request that the applicant submit the selected appraisals and copies accompanied by the appropriate form and fee. The board may select the appraisals at random from the entire log or within certain types of appraisals. The board reserves the right to request one or more additional appraisals if those submitted by the applicant raise issues concerning the applicant's competency or compliance with applicable appraisal standards or the degree to which the submitted appraisals are representative of the applicant's work product. Such additional appraisals may be selected at random from the applicant's log or may be selected specifically to provide an example of the applicant's work product regarding a particular type of appraisal. Applicants may also be requested to submit their work files for one or more of the submitted appraisals.

3.5(3) The board shall treat all appraisals received as public records unless the applicant notifies the board at the time of submission that a submitted appraisal is subject to the confidentiality provisions of appraisal standards or is otherwise confidential under state or federal law. While applicants are encouraged to submit appraisals actually performed for clients, applicants may submit one or more demonstration appraisals if they are prepared based on factual information in the same manner as applicable to actual appraisal assignments and clearly marked as demonstration appraisals.

3.5(4) An applicant seeking original or upgrade certification as a certified general real estate appraiser shall submit one residential appraisal and two commercial appraisals for review.

3.5(5) The board, or a committee of the board, will evaluate the submitted work product for USPAP compliance with applicable appraisal standards. The board may submit one or more of the appraisals to a peer review consultant for an opinion on the appraiser's compliance with applicable appraisal standards.

3.5(6) The work product evaluation process is not intended as an endorsement of an applicant's work product. No applicant or licensee shall represent the results of work product evaluation in communications with a client or in marketing to potential clients in a manner which falsely portrays the board's work product review as an endorsement of the appraiser or the appraiser's work product. Failure to comply with this prohibition may be grounds for discipline as a practice harmful or detrimental to the public.

3.5(7) The board views work product review, in part, as an educational process. While the board may deny an application based on an applicant's failure to adhere to appraisal standards or otherwise demonstrate a level of competency upon which the public interest can be protected, the board will attempt to work with applicants deemed in need of remedial assistance to arrive at a mutually agreeable plan. A remedial plan may include additional education, desk review, a mentoring program, or additional precertification experience.

3.5(8) An applicant who is denied licensure based on the work product review described in this rule, or on any other ground, shall be entitled to a contested case hearing as provided in 193—7.39(546,272C). Notice of license denial shall specify the grounds for denial, which may include any of the work performance-related grounds for discipline against a certified appraiser.

3.5(9) If probable cause exists, the board may open a disciplinary investigation against a licensee based on the work product review of an applicant. A potential disciplinary action could arise, for example, if the applicant is a certified residential real estate appraiser seeking an upgrade to a certified general real estate appraiser, or where the applicant is uncertified and is working under the supervision of a certified real estate appraiser who cosigned the appraisal report.

3.5(10) After accumulating a minimum of 500 hours of appraisal experience, a trainee may voluntarily submit work product to the board to be reviewed by a peer reviewer for educational purposes only. A maximum of three reports may be submitted for review during the experience portion of the certification process. A fee of \$50 per review will be charged.

3.5(11) Work product submitted in the work product review process shall be retained by the board for a period of 60 days following the issuance of the certificate requested by the applicant. The applicant may retrieve the work product through personal appearance at the board office or may make arrangements for the return of the work product to the applicant at the applicant's expense. If such arrangements are not made within 60 days of the date the certificate is issued, the board may dispose of the work product. This rule shall only apply if the applicant is issued the certificate requested in the application. If the application is deferred or denied, the board shall retain the work product for a period of at least five years from the date the application was deferred or denied. If an applicant withdraws an application from the board's consideration, the board shall retain the work product for a period of 60 days following withdrawal to provide the applicant the opportunity to personally retrieve the work product at the board office or otherwise arrange for the return of the work product to the applicant at the applicant's expense. The board reserves the right to retain copies of all work product submitted by any applicant.